

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

UNITED STATES DISTRICT COURT

for the

CURLING, et al.

Plaintiff

v.

RAFFENSPERGER, et al.

Defendant

Civil Action No. 17cv2989

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Constance Bowen
Milton Kidd, Douglas County Elections Director

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

See Attachment A

Place: email or delivery to Cary Ichter

Cary Ichter 3340 Peachtree Rd. NE, Ste.1530, Atlanta GA

404.869.7600 cichter@ichterdavis.com

30326

Date and Time: 5pm

1/22/21

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date 01/08/21

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing Coalition for Good Governance, who issues or requests this subpoena, are:
Bruce Brown, 1123 Zonolite Rd. Atlanta, GA 30306
bbrown@brucebrownlaw.com 404-881-0700

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Attachment A

Coalition for Good Governance Subpoena of Douglas County, Georgia

January 8, 2021

1. All reports, voter complaints, communications, incident reports, emails, text messages, and other documents regarding the problems encountered at the polling places in the November 3, 2020 election related to voter check-in, Pollpad accuracy, and voting.
2. Documents reflecting voter complaints relating to inaccuracy of the BMD printed ballots and all documents accounting for spoiled ballots for elections conducted after October 1, 2020.
3. All communications with Georgia Secretary of State after September 15, 2020 concerning errors, malfunctions, scanning problems, user errors, security concerns, ballot secrecy issues, or other operational problems related to the Dominion Voting System, including the KnowInk PollPad system.
4. Electronic copies of all scanned ballot images appended with the Auditmark record showing the interpretation of each vote where applicable, for the January 5, 2021 election, and for both the election day count and the machine recount of the November 3, 2020 election.
5. An electronic copy of all Cast Vote Records from the Dominion “EMS Results Tally and Reporting” system, from both the original count and machine recount of the November 3, 2020 election and for the January 5, 2021 runoff.
6. The batch sheets or cover sheets of all batches of ballots for which the election day vote count of that batch differs from the hand audit vote count in the 2020 Presidential Election race.
7. High quality scans of at least 300 dpi for all ballots in the batches identified above in item (6).

8. All documents related to attempts to reconcile the presidential contest tallies between the original certified election day count and the audit hand count for the November 3, 2020 election.
9. All documents related to attempts to reconcile the presidential contest tallies between the original certified election day count and machine recount for the November 3, 2020 election.
10. The Election Summary Report (or similar summary of vote tallies) for all contests (not limited to the presidential contest) tabulated by the Dominion system from the machine recount for the November 3, 2020 election.
11. For all elections from June 9, 2020 through January 5, 2021, all documents related to Dominion EMS batch management issues or other processing problems experienced by Douglas County in fully processing and tallying all uploaded batches of ballot images. Such documents should include, but are not limited to, communications with any persons about the batch management issues.
12. Electronic copies of all Adjudication Reports for all batches of ballots from the original official count and the machine recount of the November 3, 2020 election. Reports should include the "Activity Log Report," "Write-in Resolution Report," "Statistics Report," and "Quarantined Ballots Report" in either the Excel or CSV format.
13. Ballot images for all ballots (BMD and hand marked) in the January 5, 2021 election that do not list two U.S. Senate races and one Public Service Commission race.

ATTACHMENT A

**Coalition Plaintiffs' Subpoena
Douglas County Board of Elections**

INSTRUCTIONS

1. Prior to producing responsive documents, ~~please~~ make a due and diligent search of your books, records, and papers.
2. If you object to any request, please identify the basis for the objection and identify each document that is being withheld on the basis of that objection.
3. The requests set forth below are deemed to be continuing, so as to require the supplementation of your original production of documents in response to such requests promptly after any additional documents are located.
4. If any document responsive to this request was, but no longer is in your possession, state whether it is missing or lost, if it has been destroyed, if it has been transferred, voluntarily or involuntarily, to others, or if it has otherwise been disposed of. In each instance, identify the document fully, explain the circumstances and identify the people having knowledge of such circumstances.
5. If you contend that any documents covered in these requests are not reasonably accessible or would be unduly burdensome to locate or produce, identify such documents by category and source and provide detailed information regarding

the burden or cost you claim is associated with the search for or production of such documents.

6. To the extent documents produced in response to this request include electronic documents, such as spreadsheets or databases, you shall produce all such documents in native form, ensuring that all formulae and metadata embedded in such documents are produced.

DEFINITIONS

1. The term "communications" means any oral, written, or electronic transmission of information, including without limitation any face-to-face meetings, letters, emails, text messages, social media messaging, or telephone calls, chat rooms, or group list serves.

2. The term "document" is intended to be as comprehensive as the meaning provided in Rule 34 of the Federal Rules of Civil Procedure, and includes, without limitation, all originals of any nature whatsoever, and all non- identical copies thereof, pertaining to any medium upon which intelligence or information is recorded, including electronic storage, in your possession, custody or control, regardless of where located: including, without limiting the generality of the foregoing emails, spreadsheets, databases, papers, punch cards, printout sheets, movie film, slides, phonograph records,

photographs, microfilm, notes, letters, memoranda, ledgers, work sheets, books, magazines, notebooks, diaries, calendars, appointment books, registers, charts, tables, papers, agreements, contracts, purchase orders, acknowledgments, invoices, order confirmations, authorizations, budgets, analyses, projections, transcripts, minutes of any meetings of any kind, correspondence, telegrams, drafts, data processing discs or tapes and computer produced interpretations thereof, x-rays, instructions, announcements, schedules, price lists, and mechanical or electric sound records and transcripts thereof. In all cases, where originals are not available, document also means identical copies of original documents.

3. The term "person" means any individual, corporation, partnership, proprietorship, association, organization, governmental entity, group of persons or any other entity of whatever nature.

4. The terms "relate to" or "relating to" means consisting of, referring to, regarding, reflecting, supporting, prepared in connection with, used in preparation of, or being in any way logically or factually connected with the matter discussed.

5. The term "Secretary" means the Secretary of State of Georgia and the Office of Secretary of State and all employees, agents, representatives, subsidiaries,

affiliates, assignees, or other persons acting or purporting to act on behalf of the Secretary.

6. The term "you" or "your" refers to the Douglas County Board of Elections and any and all employees, agents, representatives, subsidiaries, affiliates, assignees, or other persons acting or purporting to act on behalf of the Douglas County Board of Elections and Registration.